

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 75/225,972  
Published in the *Official Gazette* dated July 7, 1998

Dr. Ing. h.c. F. Porsche Aktiengesellschaft,	§	
	§	
Opposer,	§	Opposition No. 116,504
	§	
v.	§	Atty. Dkt.: 11291-102001
	§	
Carrera Optyl Marketing GmbH,	§	
	§	
Applicant.	§	

**OPPOSER'S REQUEST FOR WITHDRAWAL OF  
IMPROPERLY ISSUED NOTICE OF ALLOWANCE**

**BOX TTAB NO FEE**  
Hon. Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

<p>CERTIFICATE OF MAILING 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date below:</p> <p>Date: <u>12-16-01</u> <u>Christine Kusilek</u> Christine Kusilek</p>
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On February 15, 2001, the Trademark Trial and Appeal Board issued an order in the above-captioned matter entering judgment by default in favor of Opposer Dr. Ing. h.c. F. Porsche Aktiengesellschaft. A copy of the Board's Order is attached hereto at Tab A. Although entry of judgment in favor of Opposer should have had the effect of having Application Serial No. 75/222,972 declared abandoned with prejudice, Opposer has now learned that the Trademark Office has, inexplicably, issued a Notice of Allowance in connection with the application to Applicant. A

printout from the United States Patent and Trademark Office's TARR Web Server showing the issuance of a Notice of Allowance is attached hereto at Tab B.

The issuance of a Notice of Allowance to Applicant following entry of judgment in favor of Applicant is plainly in error. Opposer thus respectfully requests that the Trademark Trial and Appeal Board order that the Notice of Allowance to be withdrawn, and order that the application declared abandoned with prejudice.

Dated: December 6, 2001

Respectfully submitted,



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Jana L. France  
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Minneapolis, MN 55402  
(612) 337-2519

ATTORNEYS FOR OPPOSER DR. ING. H.C. F.  
AKTIENGESELLSCHAFT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Request for Withdrawal of Improperly Issued Notice of Allowance was sent via first class mail, postage prepaid, on December 6, 2001 to Stainlaus Aksman, counsel for Applicant, at the law firm of Hunton & Williams, 1900 K Street, N.W., Suite 1200, Washington, D.C. 20006-1109.

  
Christine A. Kusilek

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12-10-2001

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #76

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Dr. Ing. h.c. F. Porsche Aktiengesellschaft,

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Opposition No. 116,504

Atty Docket No. 11291/102001

BOX TTAB – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

TRANSMITTAL

Sir:

Transmitted herewith please find the following documents:

- (1) Opposer's Request for Withdrawal of Improperly Issued Notice of Allowance in triplicate;
- (2) Certificate of Service; and
- (3) A return postcard to acknowledge receipt of these materials. Please date-stamp and return this postcard; and

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

December 6, 2001

Date of Deposit

*Christine Kusilek*  
Signature

Christine Kusilek

Typed or Printed Name of Person Signing Certificate

*mm*

Should any fees be required relating to this document, the Assistant Commissioner for Trademarks is authorized to deduct said fees from the Deposit Account of Fish & Richardson, Deposit Account No. 06-1050/11291/102001.

Very truly yours,



Michael L. Gannon

MLG:cak  
Enclosures

60065010.doc